

# House File 35 - Introduced

HOUSE FILE \_\_\_\_\_  
BY HUNTER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring certain new school buses to be equipped with  
2 seat belts, requiring the use of such seat belts, and making a  
3 penalty applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1637HH 83  
6 dea/nh/14

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1 1 Section 1. Section 321.373, Code 2009, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 8. A new school bus ordered for purchase  
1 4 on or after July 1, 2009, shall be equipped with safety belts  
1 5 or safety harnesses in conformance with C.F.R. }  
1 6 571.209=571.210 for every seating position.  
1 7 Sec. 2. Section 321.445, subsection 2, paragraph d, Code  
1 8 2009, is amended to read as follows:  
1 9 d. Passengers on a bus other than a school bus equipped  
1 10 with safety belts or safety harnesses pursuant to section  
1 11 321.373, subsection 8.  
1 12 Sec. 3. Section 321.446, subsections 1, 2, and 3, Code  
1 13 2009, are amended to read as follows:  
1 14 1. a. A child under one year of age and weighing less  
1 15 than twenty pounds who is being transported in a motor vehicle  
1 16 subject to registration, except a ~~school bus or~~ motorcycle,  
1 17 shall be secured during transit in a rear-facing child  
1 18 restraint system that is used in accordance with the  
1 19 manufacturer's instructions.  
1 20 b. A child under six years of age who does not meet the  
1 21 description in paragraph "a" and who is being transported in a  
1 22 motor vehicle subject to registration, except a ~~school bus or~~  
1 23 motorcycle, shall be secured during transit by a child  
1 24 restraint system that is used in accordance with the  
1 25 manufacturer's instructions.  
1 26 2. A child at least six years of age but under eleven  
1 27 years of age who is being transported in a motor vehicle  
1 28 subject to registration, except a ~~school bus or~~ motorcycle,  
1 29 shall be secured during transit by a child restraint system  
1 30 that is used in accordance with the manufacturer's  
1 31 instructions or by a safety belt or safety harness of a type  
1 32 approved under section 321.445.  
1 33 3. This section does not apply to peace officers acting on  
1 34 official duty. This section also does not apply to the  
1 35 transportation of children in 1965 model year or older  
2 1 vehicles; authorized emergency vehicles; buses, other than  
2 2 school buses equipped with safety belts or safety harnesses  
2 3 pursuant to section 321.373, subsection 8; or motor homes,  
2 4 except when a child is transported in a motor home's passenger  
2 5 seat situated directly to the driver's right. This section  
2 6 does not apply to the transportation of a child who has been  
2 7 certified by a physician licensed under chapter 148 as having  
2 8 a medical, physical, or mental condition that prevents or  
2 9 makes inadvisable securing the child in a child restraint  
2 10 system, safety belt, or safety harness.  
2 11 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
2 12 3, shall not apply to this Act.  
2 13 EXPLANATION  
2 14 This bill requires that new school buses ordered for  
2 15 purchase on or after July 1, 2009, be equipped with safety  
2 16 belts or safety harnesses, otherwise known as seat belts, that  
2 17 meet federal requirements for every seating position. The  
2 18 bill also requires the use of seat belts by the driver and  
2 19 passengers on school buses so equipped. Current requirements

2 20 for the use of child restraint systems for children under 11  
2 21 years of age also apply for school buses equipped with seat  
2 22 belts under the bill.  
2 23 A violation of seat belt or restraint requirements is a  
2 24 scheduled violation subject to a fine of \$25. Seat belt and  
2 25 restraint violations are not a factor in establishing grounds  
2 26 for license suspension or identifying a person as a habitual  
2 27 violator.  
2 28 The bill may include a state mandate as defined in Code  
2 29 section 25B.3. The bill makes inapplicable Code section  
2 30 25B.2, subsection 3, which would relieve a political  
2 31 subdivision from complying with a state mandate if funding for  
2 32 the cost of the state mandate is not provided or specified.  
2 33 Therefore, political subdivisions are required to comply with  
2 34 any state mandate included in the bill.  
2 35 LSB 1637HH 83  
3 1 dea/nh/14.1